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| In the Matter of |) | |
| |) | File No. |
| Eastlink International (USA) Inc. |) | |

Introduction

- on the basis that Eastlink USA has established herein that LinkBermuda:

- 1

Background

2. Eastlink USA currently holds a certificate under Section 214 with global authority to (1) operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18 (e)(1) of the Commission's Rules, 47 C.F.R. § 63.18 (e)(1) to provide international services to all foreign points as authorized by the Commission and (2) operate as a resale carrier pursuant to the terms and conditions of Section 63.18 (e)(2) of the Commission's Rules to resell and provide the international services of authorized United States common carriers to all foreign points as authorized by the Commission 47 C.F.R. § 63.18 (e)(2).⁵

3. Eastlink USA was incorporated in Delaware in May 2011 and is affiliated, within the meaning of Section 63.09(e) of the Commission's Rules,⁶ with LinkBermuda, a foreign carrier operating in Bermuda. LinkBermuda, formerly Cable and Wireless Bermuda Ltd., was a subsidiary of the Cable & Wireless Communications plc. global telecommunications group until March 2011 when it was acquired by the Bragg group of companies. As reflected in attached Exhibit B, both Eastlink USA and LinkBermuda are wholly owned subsidiaries of K-Right Communications Limited, a company incorporated and based in Canada.⁷

4. Eastlink USA's application for Section 214 authority was accepted for filing on July 8, 2011 ("Section 214 Application").⁸ In its Section 214 Application, Eastlink USA filed for non-dominant status on all routes other than the US-Bermuda route. At that time, LinkBermuda was still operating under the name "Cable and Wireless Bermuda Ltd." and was listed on the FCC's Foreign Carriers with Market Power List. Notwithstanding that "[t]his list does not apply for purposes of market power determination under Section 63.10 (regulatory classification of U.S. international carriers),"⁹ and moreover Eastlink USA's belief that LinkBermuda was no longer dominant in Bermuda based on current market conditions, in view of timing considerations and after consultation with FCC staff, Eastlink USA determined it would proceed with the Section 214 Application with the dominant presumption on the US-Bermuda route and subsequently seek a review of this classification.¹⁰

5. In seeking to be reclassified as non-dominant on the US-Bermuda route under Section 63.10 of the Commission's Rules, Eastlink USA bears the burden of proof as to the proper classification. Specifically, Eastlink USA "bears the burden of submitting information to the Commission sufficient to demonstrate that its foreign affiliate lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market."¹¹ If Eastlink USA demonstrates that LinkBermuda "lacks 50 percent market share in the international transport and the local access markets on the foreign end of the route," then Eastlink USA "shall presumptively be classified as non-dominant."¹²

6. In seeking a declaratory ruling to remove LinkBermuda from the FCC's Foreign Carriers with Market Power List as expressly permitted thereunder, Eastlink must provide "appropriate supporting

⁵ See Note 2 *supra*.

⁶ 47 C.F.R. § 63.18(i).

⁷ See also Supplemental Submission to Application of Eastlink USA for pro forma transfer of control, dated June 18, 2012.

⁸ See Application of Eastlink International USA Inc. (ITC 214-20110624-00181) July 8, 2011.

⁹ See, Note 1 *supra* at 3. The "list applies only for purposes of determining those foreign carriers that are subject to the FCC's rules on providing switched services over private lines, and the No Special Concessions rules for U.S. international common carriers and cable landing licensees." Id.

¹⁰ See Note 5 *supra* at paragraph (m) and Exhibit C.

¹¹ 47 C.F.R. § 63.10(a)(3) and § 63.10 (b) (2011).

¹² 47 C.F.R. § 63.10(a)(3) (2011).

documentation to demonstrate that LinkBermuda lacks market power” in Bermuda ¹³ Specifically, the FCC’s Foreign Carriers with Market Power List provides that the Commission’s rules “presume a foreign carrier does not possess market power on the foreign end of a U.S.- international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities and services; intercity facilities or services; and local access facilities and services on the foreign end.”¹⁴ If Eastlink USA demonstrates that LinkBermuda lacks 50 percent market share in these relevant Bermuda markets, then LinkBermuda should presumptively be found to lack market power and removed from the FCC’s Foreign Carriers with Market Power List.

Discussion

LinkBermuda Lacks 50 Percent Share in all Relevant Markets in Bermuda; LinkBermuda Lacks Market Power in Bermuda

7. As a duly licensed “Class A” carrier under Bermuda law, LinkBermuda provides international transport facilities and services to and from Bermuda. LinkBermuda, formerly known as Cable and Wireless Bermuda Ltd., has operated in Bermuda in such capacity for over 100 years and until 1996, enjoyed monopoly status as the sole licensed international service provider on the Island. This unique status and the resulting legacy benefits presumably led to its inclusion on the FCC’s Foreign Carriers with Market Power List.

8. More recently however, significant regulatory, market and technological changes have all converged and reduced LinkBermuda’s share in the Bermuda international telecommunications market to less than 50 percent, whether measured by minutes, bandwidth or revenue. This fact is confirmed in the attached correspondence from the Bermuda ministry responsible for the telecommunications sector, Bermuda Ministry of Environment, Planning and Infrastructure Strategy (“MEPIS Letter”), stating in relevant part:

“The Department is pleased to confirm that Cable and Wireless Bermuda Ltd., has been granted an extension of a Class “A” Public Telecommunications Service License in 1999 to offer International Long Distance carrier service in, out and through Bermuda. **At the time of granting this extension, it marked the end of its (CWPLC) dominant position in the international long distance voice and data services in, out and through Bermuda.**

Today, the Bermuda international long distance voice and data service market is served by three International long distance facilities based carriers and four VOIP resellers with not one of these carriers being specified as being dominant in that market. Section 14 of the telecommunications Act 1986 provides that the Minister may specify a Carrier if he is of the opinion that –

“a Carrier or a group of Carriers is in substantial control of a public telecommunication service so that there is insufficient competition to stimulate reductions in rates and charges and to provide adequate freedom of choice to the public”

CWBL, subsequent to the introduction of competition in the ILD market, was de-specified pursuant to 3c of the Cable and Wireless Bermuda Ltd. Act 1999, and removed from the 1st Schedule of the Telecommunications Act 1986. **CWBL continues to be a competitive carrier with a market share that is less than 50%**

¹³ See Note 1 supra at 3.

¹⁴ Id. at 4.

of its market and therefore is no longer subject to the obligations of a dominance specification.”¹⁵

Emphasis added. LinkBermuda is not authorized under its “Class A” Public Telecommunications Service License (“LinkBermuda License”) to provide either inter-city facilities or services or local access facilities or services in Bermuda.¹⁶

9. Eastlink USA believes that based on the MEPIS Letter and the fact that LinkBermuda does not (nor is it authorized under the LinkBermuda License to) provide either intercity or local access facilities or services¹⁷, it has unequivocally proven that LinkBermuda lacks 50 percent market share in the relevant Bermuda markets. Thus, having passed this ‘bright-line test’ and satisfied the requisite burden of proof under both the FCC’s Foreign Carriers with Market Power List and Section 63.10 of the Commission’s Rules, Eastlink USA respectfully submits that it should be reclassified as non-dominant and LinkBermuda should be struck from the list.¹⁸

Competitive Developments in Bermuda; Lack of Market Power

10. In further support of a finding that LinkBermuda lacks not only 50 percent market share but also sufficient relevant market power in Bermuda to affect competition adversely in the U.S., and the grant of the relief sought hereunder, Eastlink submits that since the mid-1990’s the Bermuda telecommunications marketplace has undergone major liberalization in the face of various market and technological forces, including:

- a. The licensing of TeleBermuda International Ltd. (“TBI”) as the second facility based international carrier in 1996;
- b. The construction of two independent competing submarine cable systems, the “GlobeNet” system and the “CB-1/Challenger” system, which together with the CBUS/Gemini system, serve the U.S.-Bermuda route;
- c. Today, the three cable landing stations in Bermuda are separately owned and controlled by each of the three independent international carriers. In fact, to insure diversity of service, it is commonplace for each of the carriers to lease capacity from the other carriers and each has access to the other carriers’ landing stations.
- d. Bermuda’s liberalization of regulations to allow ISPs to provide VOIP and Internet services in direct competition with International Message Telephone Service (“IMTS”);
- e. Industry mergers and acquisitions involving wireless carriers combining with ISPs, resulting in the rerouting of substantial international voice and Internet traffic away from the previously mandated international licensed carriers, LinkBermuda and TBI; and
- f. The recent passage of major regulatory reform legislation that will further dramatically restructure and overhaul the existing telecommunications licensing regime with the goal of expanding and improving services through increased competition.

¹⁵ MEPIS letter dated October 11, 2011, Exhibit D attached.

¹⁶ Bermuda “Class A” Public Telecommunications Service Licence, issued to LinkBermuda (formerly Cable and Wireless Bermuda Ltd.) on August 30, 1999.

¹⁷ For all practical purposes, the domestic market in Bermuda is all treated as local facilities in light of the Island’s size.

¹⁸ See Saskatchewan Telecommunications FCC Order ITC-214-20041115-00451 dated January 5, 2007, at para. 8 (“If the U.S. carrier demonstrates that the foreign affiliate lacks 50 percent market share in the international transport and the local access markets on the foreign end of the route, the U.S. carrier presumptively is classified as non-dominant.”)

The cumulative result of these developments is an extremely competitive market in which neither LinkBermuda nor any single carrier operating there today possesses 50 percent or more of the international traffic let alone sufficient market power to affect competition adversely in the U.S.

11. More specifically, in the last 15 years multiple new international facilities based Bermuda carriers have been licensed and compete against LinkBermuda. TBI was licensed in 1996 as a facility based international carrier. Today TBI operates primarily over the GlobeNet cable system that it built and subsequently sold to Brazil Telecom, while retaining IRU ownership in significant capacity. TBI is a vigorous competitor to LinkBermuda in all major markets, including switched voice, data, private line and Internet services.

12. KeyTech Limited ("KeyTech") through its Cable Co Ltd. subsidiary was licensed to build and operate the CB-1/Challenger cable system and it now represents a third and formidable international facilities based competitor. KeyTech is currently licensed under Section 214 to provide a full range of international services between the U.S. and Bermuda. The CB-1/Challenger system became operational in 2009 and has significant capacity to support a full range of voice, data and video services. These activities fully complement KeyTech's other communications investments in Bermuda as owner of Bermuda Telephone Company, the incumbent domestic/local service provider and Logic, a major ISP provider of Internet, VoIP and data services. In addition, KeyTech is a substantial shareholder (42%) in CellularOne, the second largest cellular provider on the Island. To the best of Eastlink USA's knowledge, KeyTech, primarily through its subsidiary Logic, is very active in providing services to and from Bermuda and the US and operates in direct competition with LinkBermuda and TBI for a variety of services, including IMTS, Internet, private line and virtual data services.

13. Several other ISPs in Bermuda, including Northrock and Transact, are authorized under their Bermuda licenses to acquire wholesale undersea cable capacity from any of the three cable system operators and in turn sell competing international data, Internet and VoIP services between Bermuda and the US, and to the rest of the world. The operating boundaries of current ISP license rights is currently the subject of Bermuda litigation and regulatory review as a result of certain operating changes made by Digicel, the largest cellular service provider in Bermuda, following its acquisition of Transact. Among other things, Digicel shifted the routing of all of its IMTS traffic in and out of Bermuda through Transact rather than LinkBermuda or TBI, as had historically been understood to be required by ISPs including Transact. This move was soon followed by the other wireless provider, CellularOne, which began routing its IMTS traffic through Logic. The immediate effect has been a dramatic acceleration in the already eroding levels of voice traffic for both LinkBermuda and TBI, which were already experiencing major declines due to alternatives such as Skype.

14. In the enterprise market for services such as IPLC, Ethernet and MPLS, major U.S. carriers have been able to establish end to end data services between the U.S. and Bermuda which compete directly with the Bermuda-based international carriers for retail customers. There is clearly a trend emerging under which Bermuda-based customers that generate the majority of international telecommunications traffic are migrating their voice, data and Internet traffic onto customized private networks (or even more recently "cloud" alternatives). The resulting impact is more widely distributed traffic among all of the competing carriers, including the U.S. service providers, which save for new entrants, thereby reduces the market share for all players, including LinkBermuda.

15. Finally, and perhaps most significant, after more than five years of effort, at the end of 2011 the Bermuda Government enacted regulatory reform legislation intended to unleash greater competition in all areas of regulated telecom services. Although implementation of these new reforms will extend into 2013, the end result will be the issuance of integrated communications operating licenses (ICOLs) to all current license holders in Bermuda. This move will essentially eliminate all distinctions and limitations

on Bermuda service providers from offering any form of voice (fixed or mobile), data, video and Internet services, both domestically and internationally. Although moving at a glacial pace, there can be no mistaking the clearly defined path embraced by the Bermuda Government to continue encouraging a very robust and competitive telecommunications market with minimal barriers or artificial constraints.

16. Collectively, these various competitive developments further prove that LinkBermuda not only lacks 50 percent relevant market share in Bermuda but also lacks sufficient market power to affect competition adversely in the U.S. Accordingly, the Commission should grant Eastlink USA the relief it requests, namely, reclassify Eastlink USA as non-dominant under Section 63.10 of the Commission's Rules and strike LinkBermuda from the FCC's Foreign Carriers with Market Power List.

Other Non-Dominant Criteria Used by the Commission

Benchmark International Settlement Rates

17. In addition to the express criteria set out in Section 63.10 of the Commission's Rules and the FCC's Foreign Carriers with Market Power List, it may be useful to look at other criteria used by the Commission to determine whether a carrier serving a particular international market should be classified as "dominant". In addition to the overriding question of whether the carrier possesses more than 50 percent market share in the relevant market, one of the key elements of interest to the Commission historically has related to whether the country in which the foreign carrier operates has a benchmark settlement rate for IMTS below that mandated by the Commission. Bermuda is recognized by the Commission as having a settlement rate below the target benchmark. In its *2004 ISP Reform Order*, as updated on April 7, 2006, the Commission reformed its rules to remove the International Settlements Policy (ISP) from U.S. international routes for which U.S. carriers have negotiated settlement rates at or below the benchmark level established by the Commission. Bermuda is included in the list of countries that have already been exempted from the ISP as well as those that had previously been granted authority for International Simple Resale.

18. LinkBermuda's current settlement rates with U.S. based carriers remain well below the FCC benchmark rate of \$0.15/minute. LinkBermuda receives inbound traffic at a rate in the range of \$0.036 - \$0.039/minute for terminations in Bermuda, and it must pay the incumbent local exchange carrier a mandatory interconnect fee of \$0.03/minute to terminate the traffic on its local network, leaving a gross margin of under one cent a minute. By comparison the average settlement rate in 2002 was \$0.096/minute. LinkBermuda's cost to terminate traffic into the U.S. pursuant to the bilateral agreements in place for normal types of IMTS traffic and destinations is in the range of \$0.014 - \$0.0175/minute. Clearly, based on all the knowledge we have, the U.S.-Bermuda route is a competitive route by all measures and there is no basis for concern that U.S.-based carriers are being affected adversely by any one dominant Bermuda based carrier.

Foreign Participation Order – Open Entry Standard

19. Under the "open entry" standard established by the Commission's 1997 *Foreign Participation Order*¹⁹ applicants that request authority to serve a WTO Member destination in which the applicant has a foreign carrier affiliate enjoy a rebuttable presumption that they do not pose concerns of potential marketplace dominance that might adversely affect competition that would justify denial of the

¹⁹ See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket No. 97-142, Report and Order, 12 FCC Rcd 23891 (1997) (*Foreign Participation Order*), recon. pending.

application on competition grounds.²⁰ This standard was applied by the Commission in the context of Bermuda in connection with the Section 214 application of Cable & Wireless USA, Inc.²¹ In its Order, the Commission concluded that it would treat Bermuda as a WTO Member for the purposes of applying the proper entry standard and thus Cable & Wireless USA, Inc. was presumed not to “pose any concerns that would justify conditioning or denying” its Section 214 application.²² The same presumption would still be valid and should be applied in this instance.

Conclusion

20. Based on the foregoing, Eastlink USA respectfully requests that the Commission find that:

a. LinkBermuda lacks 50 percent market share in all three relevant markets in Bermuda and accordingly, Eastlink USA should presumptively be reclassified as non-dominant for purposes of Section 63.10 of the Commission’s Rules²³ and further, LinkBermuda should be removed from the FCC’s Foreign Carriers with Market Power List;

or failing a presumptive finding of non-dominance, alternatively the Commission should find that:

b. LinkBermuda lacks sufficient market power in Bermuda to affect competition adversely in the U.S. and accordingly, Eastlink USA should be reclassified as non-dominant for purposes of Section 63²⁴; and

c. LinkBermuda lacks sufficient market power in Bermuda and accordingly LinkBermuda should be removed from the FCC’s Foreign Carriers with Market Power List.

²⁰ See *Foreign Participation Order*, 12 FCC Rcd at 23906-10, ¶¶ 33-43; see also *id.* at 23913-17, ¶¶ 50-58.

²¹ See Cable & Wireless USA, Inc. File No. ITC 214-1999070900412.

²² *Id.*

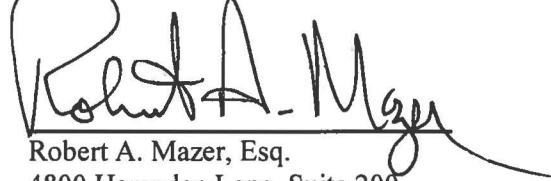
²³ 47 C.F.R. § 63.10 (2011)

²⁴ *Id.*

For the reasons articulated above, Eastlink International (USA) Inc. respectfully requests that the Commission expeditiously grant this Request for Declaratory Ruling.

Respectfully submitted,

EASTLINK INTERNATIONAL (USA) Inc.

A handwritten signature in black ink, appearing to read "Robert A. Mazer", written over a horizontal line.

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A handwritten signature in black ink, appearing to read "Lin Gentemann", written over a horizontal line.

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Exhibit A

Attach a copy of the FCC's Foreign Carriers with Market Power List



PUBLIC NOTICE

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Released: January 26, 2007

**The International Bureau Revises and Reissues the Commission's
List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power
in Foreign Telecommunications Markets**

By this Public Notice, the International Bureau revises and reissues the Federal Communications Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets." The revised list updates changes in the names of dominant carriers on several routes, and also adds St. Maarten to the list of destination markets and SMITCOMS, N.V. as a carrier presumed to possess market power in St. Maarten.¹ The Bureau last reissued the list in 2004.²

The Commission first adopted its list of foreign carriers that are presumed to possess market power in the *1999 ISP Reform Order* proceeding.³ In that proceeding, the Commission modified its rules to remove its requirement that agreements between U.S. telecommunications carriers and

¹ The Commission directed the International Bureau to issue an amended *List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets* to add St. Maarten to the list of destination markets and SMITCOMS, N.V. as a carrier presumed to possess market power in St. Maarten because SMITCOMS failed to demonstrate that its parent, SMITCOMS, N.V., will lack market power in relevant input markets in St. Maarten that are necessary to land, connect and operate the SMPR-1 cable system. *See St. Maarten International Communications Services, Inc. Application for Review of Application for a License to Land and Operate a Fiber Optic Submarine Cable System Between San Juan, Puerto Rico, and St. Maarten, Netherlands Antilles*, Order on Review, 20 FCC Rcd 18732 (2005).

² *See List of Foreign Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Declaratory Ruling, DA 04-1584 19 FCC Rcd 20385 (Int'l Bureau 2004). The Commission has delegated the authority to administer and enforce the policies and rules on international settlements under part 64 of the Commission's rules. 47 C.F.R. § 0.261(a)(8). *See The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers That Are Presumed to Possess Market Power in Foreign Telecommunications Market*, Public Notice, DA 03-181218 FCC Rcd 11073 (Int'l Bureau 2003); *List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Declaratory Ruling, DA 04-970, 19 FCC Rcd 6331 (Int'l Bureau 2004).

³ *1998 Biennial Regulatory Review – Reform of the International Settlements Policy and Associated Filing Requirements*, IB Docket No. 98-198 and CC Docket No. 90-337, Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999) (*1999 ISP Reform Order*).

foreign carriers that lack market power at the foreign end of the international route conform to the Commission's International Settlements Policy (ISP).⁴ The Commission's rules presume that a foreign carrier does not possess market power on the foreign end of a U.S.-international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; intercity facilities and services; and local access facilities and services on the foreign end.⁵ The Commission created a list of foreign carriers that do not qualify for this presumption as a mechanism to ensure that U.S.-international carriers are precluded from exchanging traffic outside of the ISP with carriers on the list.⁶ In addition, the Commission's rules identified below preclude U.S.-authorized carriers from agreeing to accept special concessions from carriers on the list unless otherwise allowed under the Commission's rules.

The list, as now revised, continues to apply for purposes of implementing the following Commission rules: Sections 1.767(g)(5) (involving the prohibition on cable landing licensees agreeing to accept special concessions);⁷ 43.51(b) (involving reporting contracts and concessions); 63.14 (involving the prohibition on telecommunications carriers agreeing to accept special concessions); 63.23(d) (involving the provision of switched basic services over authorized resold private lines); and 64.1002 (involving the international settlements policy), which the Commission adopted in the *2004 ISP Reform Order*.⁸

⁴ The ISP is a Commission policy established to govern how U.S. carriers negotiate with foreign carriers for the exchange of international traffic. The ISP currently applies when U.S. carriers negotiate the exchange of traffic with foreign carriers that have market power on to those international routes that are not "benchmark" compliant. *International Settlements Policy Reform, International Settlement Rates*, IB Docket Nos. 02-324 and 96-261, First Report and Order, 19 FCC Rcd 5709 (2004) (*2004 ISP Reform Order*); see also "Routes Still Subject to the International Settlements Policy (ISP)" (http://www.fcc.gov/ib/pd/pf/isp_nom_exempt.html). The ISP is intended to prevent foreign carriers with market power from discriminating or taking other anticompetitive actions against competing U.S. carriers as a strategy to obtain pricing concessions regarding the exchange of international traffic. Specifically, the ISP requires that: (1) all U.S. carriers must be offered the same effective accounting rate and same effective date for the rate ("nondiscrimination"); (2) all U.S. carriers are entitled to a proportionate share of U.S.-inbound, or return traffic based upon their proportion of U.S.-outbound traffic ("proportionate return"); and (3) the accounting rate is divided evenly 50-50 between U.S. and foreign carriers for U.S.-inbound and outbound traffic so that inbound and outbound settlement rates are identical ("symmetrical settlement rates").

⁵ 47 C.F.R. 63.10 (a) (3) and 43.51 note 3. See also *Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, IB Docket Nos. 97-142 and 95-22, FCC 97-398, 12 FCC Rcd 23891 at 23959, ¶¶ 161 (1997) (*Foreign Participation Order*).

⁶ *1999 ISP Reform Order*, 14 FCC Rcd at 7778-7981, ¶¶ 42-49; see also *List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 14 FCC Rcd 7038 (1999) (issuing initial list of foreign carriers presumed to possess market power).

⁷ See *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, 16 FCC Rcd 22167 (2001) (*Submarine Cable Landing License Order*).

⁸ *2004 ISP Reform Order* 19 FCC Rcd at 5735-5736, ¶¶ 55-62.

The revised list is based on publicly available information, compiled from official sources, including the International Telecommunication Union.⁹ The list of “Foreign Carriers with Market Power” does not specifically identify all incumbent local exchange carriers that may operate in the destination markets listed below. However, all incumbent local exchange carriers that may operate in the markets are incorporated by reference on the list.¹⁰

Interested parties may challenge the inclusion or exclusion of any carrier on the list by submitting a petition for declaratory ruling and the appropriate supporting documentation to demonstrate that a carrier included on the list lacks market power or that a carrier not included does not lack market power.

This list applies only for purposes of determining those foreign carriers that are subject to our ISP, our rules on providing switched services over private lines, and the No Special Concessions rules for U.S. international common carriers and cable landing licensees. It does not apply for purposes of market power determination under Sections 63.10 (regulatory classification of U.S. international carriers) or 63.18 (contents of applications for international common carriers). The list below will be posted on the International Bureau’s website at <http://www.fcc.gov/ib>.

| <u>Destination Market</u> | <u>Foreign Carriers with Market Power</u> |
|----------------------------------|---|
| Afghanistan | Ministry of Communications |
| Albania | Albtelecom |
| Algeria | Algeria Telecom |
| Angola | Angola Telecom |
| Anguilla | Cable & Wireless (Anguilla) Limited |
| Antigua and Barbuda | Cable & Wireless (Antigua) Limited |
| Argentina | Telcom Argentina S.A., Telefónica de Argentina S.A. |
| Armenia | Armentel |
| Ascension Island | Cable & Wireless (Ascension Islands) |
| Australia | Telstra Corporation |
| Austria | Telekom Austria |
| Azerbaijan | Aztelecom |
| Bahamas | Bahamas Telecommunications Corporation (BTC) |
| Bahrain | Bahrain Telecommunications Company (BATELCO) |
| Bangladesh | Bangladesh Telegraph & Telephone Board |
| Barbados | Barbados External Telecommunications Ltd. (BET) |
| Belarus | Beltelecom |
| Belgium | Belgacom |
| Belize | Belize Telecommunications Ltd. (BTL) |

⁹ While the Commission’s staff attempts to maintain current information as to the names of carriers on this list, we encourage interested parties to advise the Commission on future name changes that may occur as a result of divestiture of national incumbent operators into regional operators or for other reasons.

¹⁰ See *infra* “Additional carriers included on this list.”

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|------------------------|--|
| Benin | Office des postes et télécommunications (OPT) |
| Bermuda | Cable & Wireless Bermuda |
| Bhutan | Bhutan Telecom |
| Bolivia | Empresa Nacional de Telecomunicaciones S.A. |
| Bosnia and Herzegovina | BH Telecom |
| Botswana | Botswana Telecommunications Corporation (BTC) |
| Brazil | Embratel |
| British Virgin Islands | Cable & Wireless (West Indies) Limited |
| Brunei | Jabatan Telecom Brunei Darussalam (JTB) |
| Bulgaria | Bulgarian Telecommunications Company (BTC) |
| Burkina Faso | Office National des Télécommunications (ONATEL) |
| Burma | Myanmar Posts & Telecommunications |
| Burundi | Office National des Télécommunications (ONATEL) |
| Cambodia | Directorate of Posts and Telecommunications (DPTK) |
| Cameroon | Société des Télécommunications Internationales du Cameroun (INTELCAM) |
| Canada | Aliant Inc., Bell Canada, Manitoba Telecom Services, SaskTel, Telus Communications |
| Cape Verde | Cabo Verde Telecom S.A. |
| Cayman Islands | Cable & Wireless (Cayman Islands) Limited |
| Central African Rep. | Société Centrafricaine des Télécommunications (SOCATEL) |
| Chad | Société des Télécommunications Internationales du Tchad (TIT) |
| Chile | Telefonica Chile |
| China | China Telecom, China Netcom |
| Colombia | Empresa Nacional de Telecomunicaciones |
| Comoros | Société Nationale des Postes et Télécommunications (SNPT) |
| Congo | Office National des Postes et des Télécommunications (ONPT) |
| Costa Rica | Instituto Costarricense de Electricidad (ICE) |
| Côte d'Ivoire | Côte d'Ivoire-TELECOM (CI-TELECOM) |
| Croatia | Hrvatski Telecom (HT) |
| Cuba | Empresa Telecomunicaciones de Cuba S.A. (ETECSA) |
| Cyprus | Cyprus Telecommunications Authority |
| Czech Rep. | Telefónica O2 Czech Republic |
| Dem. Rep. of Congo | Office Congolais des Postes et des Télécommunications (OCPT) |
| Denmark | Tele Danmark A/S |
| Diego Garcia | Cable & Wireless |
| Djibouti | Djibouti Telecom |
| Dominica | Cable & Wireless (Dominica) |
| Dominican Republic | Verizon Dominicana |
| Ecuador | Andinatel |
| | Pacifictel |
| Egypt | Egypt Telecom |
| El Salvador | Compañía de Telecomunicaciones de El Salvador |

| | |
|-------------------------|--|
| Equatorial Guinea | La Sociedad Anonima de Telecomunicaciones de la Republica de Guinea (GETESA) |
| Eritrea | Telecommunications Services of Eritrea (ERITEL) |
| Estonia | Elion Telephone Company |
| Ethiopia | Ethiopian Telecommunications Corporation (ETC) |
| Falkland Islands | Cable & Wireless Falkland Islands |
| Fiji | Cable & Wireless Fiji |
| Finland | TeliaSonera |
| France | France Telecom |
| Gabon | Gabon Telecom |
| Gambia | Gambia Telecommunications Company, Ltd. (GAMTEL) |
| Georgia | Sakartvelos Telekom (Telecom Georgia) |
| Germany | Deutsche Telekom |
| Ghana | Ghana Telecommunications Company |
| Greece | Hellenic Telecommunications Organization (OTE) |
| Grenada | Cable & Wireless (Grenada) |
| Guatemala | Telecomunicaciones de Guatemala (Telgua) |
| Guernsey | Cable & Wireless Guernsey Ltd |
| Guinea | Société des Télécommunications de Guinée (SOTELGUI) |
| Guinea-Bissau | Companhia de Telecomunicações da Guiné-Bissau, sarl (Guiné-Telecom) |
| Guyana | Guyana Telephone and Telegraph Ltd. |
| Haiti | HaiTel |
| Holy See (Vatican City) | Telecom Italia |
| Honduras | Empresa Hondureña de Telecomunicaciones (HONDUTEL) |
| Hong Kong | Pacific Century CyberWorks HKT |
| Hungary | Magyar Telekom |
| Iceland | Siminn (Iceland Telecom) |
| India | Videsh Sanchar Nigam Limited (VSNL) |
| Indonesia | PT Indosat |
| Iran | Telecommunications Company of Iran |
| Iraq | Ministry of Telecommunications |
| Ireland | eircom |
| Israel | Bezeq |
| Italy | Telecom Italia |
| Jamaica | Cable & Wireless Jamaica |
| Japan | KDDI |
| | Nippon Telegraph & Telephone Corporation (NTT) |
| Jordan | Jordan Telecommunications Corporation (JTC) |
| Kazakhstan | Kazakhtelecom |
| Kenya | Telkom Kenya Limited |
| Kiribati | Telecom Services Kiribati Limited |
| Korea (South) | Korea Telecom |
| Korea (North) | Pycompute Pyongyang |

| | |
|----------------------|--|
| Kuwait | Ministry of Communications |
| Kyrgyzstan | Kyrgyztelecom |
| Laos | Lao Telecom Company |
| Latvia | Lattelekom |
| Lebanon | Ministry of Posts and Telecommunications |
| Lesotho | Lesotho Telecommunications Corporation (LTC) |
| Liberia | Liberia Telecommunications Corporation |
| Libya | General Post and Telecommunications Company (GPTC) |
| Liechtenstein | Liechtenstein TeleNet |
| Lithuania | Lithuanian Telekom |
| Luxembourg | Luxembourg PTT |
| Macau | CTM |
| Macedonia | Makedonski Telecom (MT) |
| Madagascar | Telecom Malagasy (TELMA) |
| Malawi | Malawi Telecommunications Limited |
| Malaysia | Telecom Malaysia |
| Maldives | DHIRAAGU |
| Mali | Société des Télécommunications du Mali (SOTELMA) |
| Malta | Maltacom |
| Marshall Islands | National Telecommunications Authority |
| Mauritania | Mauritel |
| Mauritius | Mauritius Telecom Limited |
| Mayotte | France Telecom |
| Mexico | Telefonos de Mexico (TelMex) |
| Micronesia | FSM Telecommunications |
| Moldova | Moldtelecom |
| Monaco | France Telecom |
| Mongolia | Mongolia Telecommunications Company |
| Monserrat | Cable & Wireless (West Indies) Limited |
| Morocco | Maroc Telecom |
| Mozambique | Telecomunicações de Moçambique |
| Namibia | Telecom Namibia |
| Nauru | Nauru Telcom |
| Nepal | Nepal Telecommunications Corporation |
| Netherlands | KPN Telecom N.V. |
| Netherlands Antilles | Antelecom N.V. |
| New Zealand | Telecom Corporation of New Zealand Ltd. (TCNZ) |
| Nicaragua | Enitel |
| Niger | Société nigérinne des télécommunications (SONITEL) |
| Nigeria | Nigerian Telecommunications Limited |
| Norway | Telenor |
| Oman | General Telecommunications Organization (GTO) |
| Pakistan | Pakistan Telecommunications |
| Palau | Palau National Communications Corporation (PNCC) |
| Palestine | Palestine Telecommunications Company P.L.C. (PALTEL) |

| | |
|--------------------------------|---|
| Panama | Cable & Wireless Panama |
| Papua New Guinea | Post & Telecommunications Corporation |
| Paraguay | COPACO |
| Peru | Telefónica del Peru |
| Philippines | Philippines Long Distance Telephone Company (PLDT) |
| Poland | Telekomunikacja Polska S.A. |
| Portugal | Portugal Telecom |
| Qatar | Qatar Public Telecommunications Corporation |
| Réunion | France Telecom |
| Romania | Romtelecom |
| Russia | Syazinvest |
| Rwanda | Rwandatel S.A. (RWANDATEL) |
| St. Helena | Cable & Wireless (St. Helena) |
| St. Kitts and Nevis | Cable & Wireless |
| St. Lucia | Cable & Wireless (St. Lucia) |
| St. Maarten | Sint Maarten International Telecommunications Services Limited (SMITCOMS, N.V.) |
| St. Vincent and the Grenadines | Cable & Wireless (St. Vincent and the Grenadines) |
| Sakhalin | Sakhalin Telecom Limited |
| San Marino | Telecom Italia |
| Sao Tomé & Príncipe | Companhia Santomense de Telecomunicações, s.a.r.l. (CST) |
| Saudi Arabia | Saudi Telecommunications Company |
| Senegal | Société Nationale des Télécommunications du Sénégal (SONATEL) |
| Serbia and Montenegro | Serbija Telecom |
| Seychelles | Cable & Wireless (Seychelles) Ltd. |
| Sierra Leone | Sierra Leone Telecommunications Company (SIERRATEL) |
| Singapore | Singapore Telecom |
| Slovakia | Slovak Telecom (ST) |
| Slovenia | Telekom Slovenije (TS) |
| Solomon Islands | Solomon Telekom Company |
| Somalia | Ministry of Posts and Telecommunications (Somtel) |
| South Africa | Telkom SA Limited |
| Spain | Telefónica |
| Sri Lanka | Sri Lanka Telecom |
| Sudan | Sudan Telecommunications Company Ltd. (Sudatel) |
| Suriname | Telesur |
| Swaziland | Swaziland Posts and Telecommunications Corporation (SPTC) |
| Sweden | TeliaSonera |
| Switzerland | Swisscomm |
| Syria | Syrian Telecommunications Establishment (STE) |
| Taiwan | Chunghwa Telecom |
| Tajikistan | Tajiktelecom |
| Tanzania | Tanzania Telecommunications Corporation Limited (TTCL) |
| Thailand | Communications Authority of Thailand (CAT) |

| | |
|----------------------|---|
| Togo | Société des Télécommunications du Togo (TOGO TELECOM) |
| Trinidad and Tobago | Telecommunications Services of Trinidad and Tobago (TSTT) |
| Tunisia | Tunisie Telecom |
| Turks and Caicos | Cable & Wireless (Turks and Caicos) Limited |
| Turkey | Türk Telekomunikasyon |
| Turkmenistan | Türkmentelecom |
| Tuvalu | Ministry of Labor, Works and Communications |
| Uganda | Uganda Telecommunications Limited (UTL) |
| Ukraine | Ukrtelecom |
| United Arab Emirates | The Emirates Telecommunications Corp. Ltd. (Etisalat) |
| United Kingdom | British Telecom |
| Uruguay | Administración Nacional de Telecomunicaciones (ANTEL) |
| Uzbekistan | Uzbektelecom |
| Vanuatu | Vanuatu Telecom |
| Venezuela | Compañía Anónima Nacional Teléfonos de Venezuela (CANTV) |
| Vietnam | Viet Nam Post and Telecommunications Corporation (VNPT) |
| Western Samoa | Postal and Telecommunications Department |
| Yemen | Yemen International Telecommunications Company (TELEYEMEN) |
| Zambia | Zambia Telecommunications Company Limited (Zamtel) |
| Zimbabwe | Posts and Telecommunications Corporation (PTC) |

Additional carriers included on this list:

All incumbent local exchange carriers in the destination markets above.

All carriers that control, are controlled by, or are under common control with, a carrier listed above in the particular destination market.

For additional information, please contact David Strickland or Mark Uretsky, Policy Division, International Bureau, (202) 418-1460.

-FCC-

Exhibit B

Attach copy of the Eastlink USA and LinkBermuda corporate ownership chart

**Eastlink International USA Inc. & LinkBermuda Ltd.
Ownership Chart as at June 11, 2012**

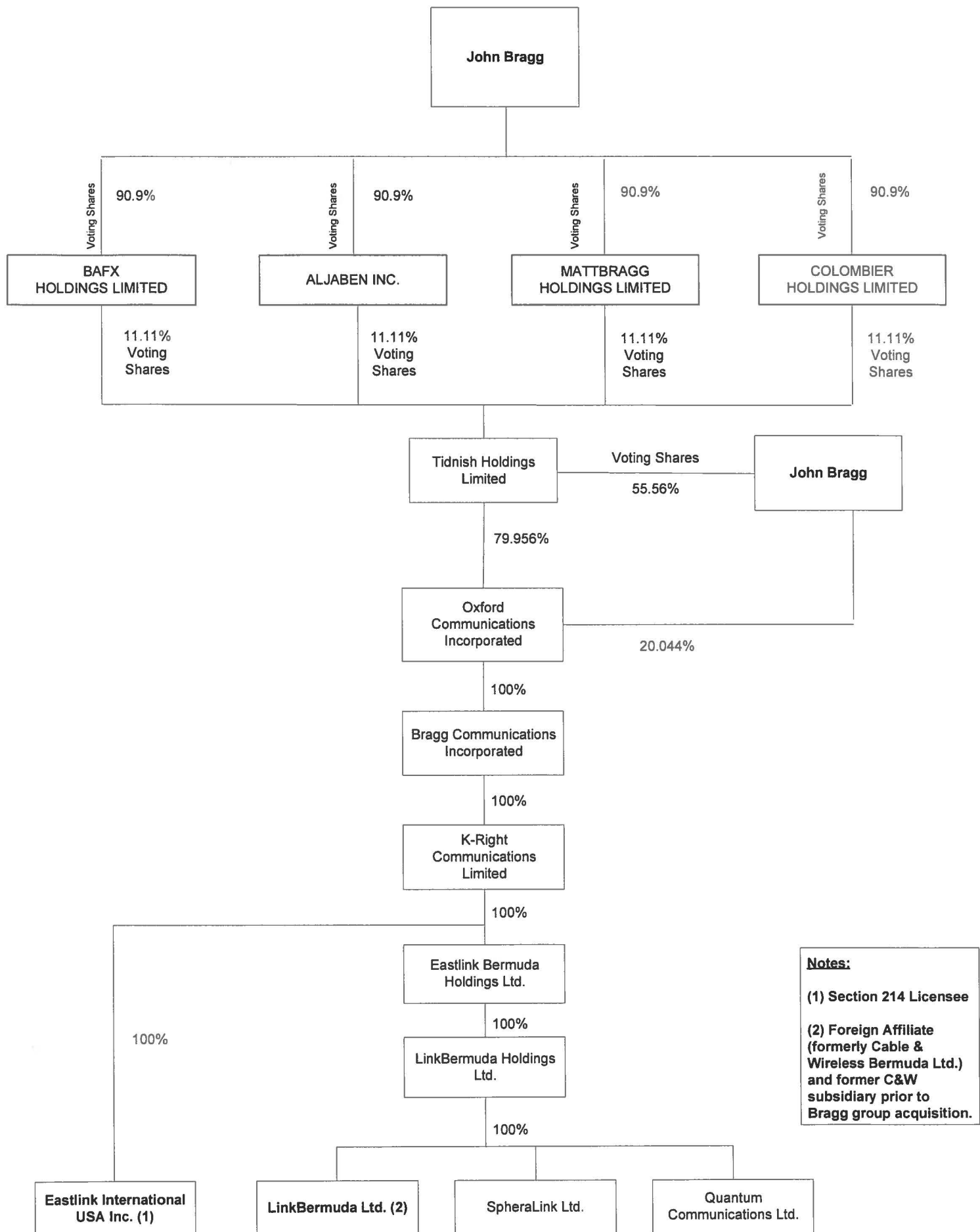


Exhibit C

Attach copy of Eastlink USA Section 214 Application

Approved by OMB
3060-0686



Federal Communications Commission

INTERNATIONAL SECTION 214 APPLICATION

FCC FORM 214

FOR OFFICIAL USE ONLY

[Click here for INSTRUCTIONS.]

Menu

APPLICANT INFORMATION

Note: Use only standard punctuation. Please do not use special characters - such as ';' - in any of the fields below!

Enter a description of this application to identify it on the main menu:

Section 214 application

1. Applicant

Name: Eastlink International USA Inc. Phone Number: 1-902-552-3024
DBA
Name: Fax Number: 1-902-447-3376
Street: PO Box 220, 4881 Main St., E-Mail: lin.gentemann@verizon.net
City: Oxford State:
Country: CAN Zipcode: -
Attention: Mr Geoff Baldwin

2. Contact

Name: Robert Mazer Phone Number: 240-482-3710
Company: Fax Number: 240-482-3759
Street: 4800 Hampden Lane E-Mail: rmazer@rmazer.com
City: Bethesda State: MD
Country: USA Zipcode: 20813 -
Attention: Robert Mazer Relationship: Legal Counsel

3. Place of Incorporation of Applicant Canada

4. Other Company(ies) and Place(s) of Incorporation

5. Service Type(s) (check all that apply)

- ☒ Global or Limited Global Facilities-Based Authority (Section 63.18(e)(1))
☒ Global or Limited Global Resale Authority (Section 63.18(e)(2))
☐ Individual Facilities-Based Service (Section 63.18(e)(3))
☐ Individual Switched Resale Service (Section 63.18(e)(3))
☐ Individual Facilities-Based and Resale Service (Section 63.18(e)(3))
☐ Switched Services over Private Lines (ISR) (Section 63.16 and/or 63.18 (e)(3))
☐ Inmarsat and Mobile Satellite Service (Section 63.18(e)(3))
☐ Overseas Cable Construction (Section 63.18(e)(3))
☐ Individual Non-Interconnected Private Line Resale Service (Section 63.18(e)(3))
☐ Other (Section 63.18(e)(3))

6a. Is a fee submitted with this application?

- ☒ If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

- ☐ Governmental Entity ☐ Noncommercial educational licensee
☐ Other (please explain):

6b. Fee Classification CUT

7. Destination Country(ies) (e.g., "Country X", "All international points", "All international points except Country X and Country Y" or "Countries X, Y, and Z only".) All International Points

8. Caption (description of authority requested, e.g., Application for Authority to Provide International Facilities-Based and Resold Services to All International Points Except Country X)
 Application for Authority to Provide International Facilities-Based and Resold Services to all International Points

9. Does the applicant request streamlined processing pursuant to 47 C.F.R. Section 63.12? If yes, include in Attachment 1 a statement of how the application qualifies ☒ Yes ☐ No for streamlined processing.

10. If applying for authority to provide switched services over private lines pursuant to Section 63.16, provide the required showing in Attachment 1.

Applicant certifies that its responses to questions 11 through 17 are true:

11. If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18(i) through (m).

12. Does the applicant seek authority to provide service to any destination described in paragraphs (1) through (4) of Section 63.18(j)? If yes, list those destinations in Attachment 1 as a response to question 12.

☒ Yes ☐ No

13. Does the applicant seek authority to provide service to any destinations other than those listed in response to question 12 where it has an affiliation with a foreign carrier? If yes, list those destinations in Attachment 1 as a response to question 13.

☒ Yes ☐ No

14. [Section 63.18(h)] In Attachment 2, provide the name, address, citizenship and principal business of the applicant's ten percent or greater direct and indirect shareholders or other equity holders, and identify any interlocking directorates.

15. In Attachment 2, respond to paragraphs (d), (e)(3) and (g) of Section 63.18.

16. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. *See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.*

☒ Yes ☐ No

17. By checking Yes, the applicant certifies that it has not agreed to accept special concessions directly or indirectly from a foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.

☒ Yes ☐ No

CERTIFICATION

18. Typed Name of Person Signing (Must be a Corporate Officer)
Ann Petley-Jones

19. Title of Person Signing
Chief Executive Officer

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT

(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION

(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

20. 1: Attachment 1

2: Attachment 2

3: Attachment

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Menu

ATTACHMENT 1

To

EASTLINK INTERNATIONAL USA INC.

**Application for Authority to Provide International Facilities-Based
and Resold Services to All International Points**

Eastlink International USA Inc. ("Applicant"), pursuant to Section 214 of the Communications Act of 1934, as amended (47 U.S.C. § 214), and Section 63.18 of the Commission's rules (47 C.F.R. § 63.18), hereby applies for global authority to (1) operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18 (e)(1) of the Commission's Rules, 47 C.F.R. § 63.18 (e)(1) to provide international services to all foreign points as authorized by the Commission and (2) operate as a resale carrier pursuant to the terms and conditions of Section 63.18 (e)(2) of the Commission's Rules to resell and provide the international services of authorized United States common carriers to all foreign points as authorized by the Commission 47 C.F.R. § 63.18 (e)(2). The services sought to be provided by Applicant include international private lines interconnected with the public switched network to the extent permitted by Section 63.18 of the Commission's rules, 47 C.F.R. § 63.16, for the provision of international voice, private line, Internet, data, video, and business services to all international points.

Grant of this application will benefit U.S. consumers by increasing service options and lowering prices. Thus, the public interest will be served by the grant of Section 214 authority to the Applicant.

Pursuant to Section 63.18 the following information is submitted in support of this application:

(a) The name, address and telephone number of the Applicant is:

Eastlink International USA Inc.
P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Tel: 508-246-6361
Email: lin.gentemann@verizon.net

(b) The Applicant is a corporation organized under the laws of the State of Delaware.

(c) Correspondence concerning this application should be addressed to:

Eastlink International USA Inc.
P.O. Box 220
4481 Main Street
Oxford, NS B0M 1P0
Canada
Tel: 508-246-6361
Email: lin.gentemann@verizon.net

with copies of all correspondence to:

Robert Mazer
4800 Hampden Lane
Bethesda, MD 20814
Tel: 240-482-3710
Facsimile: 240-482-3759
Email: rmazer@rmazer.com

- (d) Applicant has not previously sought authority pursuant to Section 214 of the Communications Act of 1934, as amended.
- (e) The Applicant is herein requesting authority under Section 214 of the Communications Act of 1934, as amended, to operate as a facilities-based and resale international carrier pursuant to the terms and conditions of Section 63.18(e)(1) and (2), 63.21, and 63.23 of the Commission's rules, as well as any and all other rules and regulations of the Commission applicable hereto. The Applicant is herein requesting authority to provide facilities-based international services and to resell the international services of common carriers authorized by the Commission, including international private lines interconnected with the public switched network to the extent permitted by the Commission's rules, for the provision of international voice, private line, Internet, data, video, and business services to all international points pursuant to Section 63.16.63.18(e)(1) and (2), 63.21, and 63.23 of the Commission's rules, as well as any and all other rules and regulations of the Commission applicable hereto.
- (f) At this time, Applicant does not seek authority to provide service not referenced under paragraph (e) of Section 63.18 of the Commission's rules. 47 C.F.R. 63.18 (e).
- (g) Applicant will use previously authorized facilities to provide the services requested by this Application. Consequently, Applicant is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules. 74 C.F.R. 1.1306.
- (h) For ownership and interlocking director information, please refer to Exhibit A.
- (i) The Applicant certifies that it is affiliated with the foreign carriers listed by name and destination country in Exhibit B hereto.
- (j) The Applicant certifies that it (1) is not a foreign carrier and (2) does not control a foreign carrier in any destination country in which it seeks to provide international telecommunications services. The Applicant further certifies that it seeks to provide international telecommunications services to certain destination countries in which (3) an entity that owns more than 25 percent of the Applicant or that controls the Applicant, controls a foreign carrier. Applicant further certifies that it does not seek to provide international telecommunications services to certain destination countries in which (4) two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of the Applicant and are parties to, or beneficiaries of, a contractual relation affecting the provision of marketing of international telecommunications services in the United States. The foreign carriers and destination countries that are the subject of such affiliation are identified in Exhibit B hereto.

- (k) Each destination country listed in response to paragraph (l), is a member of the WTO (or treated as such by the Commission for Section 214 purposes).¹
- (l) On the US-Bermuda route Applicant is affiliated with a foreign carrier and that carrier is classified as dominant (see Exhibit B hereto) and proposes to resell the international services of unaffiliated U.S. carriers for the purpose of providing international telecommunications services to that destination. The Applicant will file the requisite quarterly traffic reports for traffic on those routes, as required by Section 43.16 (c) of the Commission's rules, 47 C.F.R. §43.61(c). On the US-Canada route, the Applicant is controlled by a carrier that controls far less than 50 percent of the relevant international transport and local access markets in Canada and the Applicant, therefore, qualifies for a presumption of non-dominance on that route under Section 63.10 (a)(3) of the Commission's rules (47 C.F.R. §63.10 (a)(3)).
- (m) The Applicant is entitled to non-dominant classification on all routes other than the US-Bermuda route as identified in Exhibit C hereto as requiring dominant status. On the US-Canada route, the Applicant's affiliated companies control a carrier that controls less than 50 percent of the relevant international transport and local access markets in Canada, the destination foreign country. The Applicant, therefore, qualifies for a presumption of non-dominance on this route under Section 63.10 (a)(3) of the Commission's rules (47 C.F.R. §63.10 (a)(3)).
- (n) The Applicant certifies that it has not agreed and will not agree in the future to accept any direct or indirect special concessions from any foreign carrier with respect to any United States international route where any such foreign carrier possesses market power on the foreign end of the route to affect competition adversely in the U.S. market.
- (o) The Applicant certifies, pursuant to Section 1.2001 through 1.2003 of the Commission's rules (47 C.F.R §§ 1.2001-1.2003), that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. §853a).
- (p) The Applicant desires streamlined processing of this application pursuant to Section 63.12 of the Commission's rules. Streamlined processing is appropriate for this Application under Section 63.12 of the Commission's rules because, for every country for which authority is requested in this Application, either the Applicant (1) has no foreign affiliate; (2) has a foreign affiliate but the country is a member of the WTO (or treated as such by the Commission for Section 214 purposes)²; (3) has a foreign affiliate but the Applicant qualifies for a presumption of non-dominant treatment under Section 63.10 (a)(3); or (4) has agreed to accept dominant carrier status. Applicant has accepted dominant status and thus, the Applicant is eligible for such streamlined processing because none of the exceptions which would disqualify the Applicant from eligibility as set forth in 63.12 of the Commission's rules are applicable.

¹ See, e.g., Cable and Wireless USA, Inc., Application for Authority to Operate as a Facilities-based Carrier in Accordance with the Provisions of Section 63.18(e)(4) of the Rules between the United States and Bermuda, File No. ITC-214-19990709-00412, Order, Authorization and Certificate, 15 FCC Rcd 3050 (2000), at para. 7 (deferring to the opinion of the U.S. Department of State in treating Bermuda as a WTO Member for purposes of applying the proper entry standard).

² See Footnote 1.

In conclusion, the Applicant certifies that all of the information in this application is complete and correct. In view of the information contained herein, the Applicant respectfully submits that it is legally, technically, and financially qualified to operate as facilities-based carrier and provide international resale services and that grant of this application will serve the present and future public interest, convenience and necessity. Accordingly, the Applicant requests that the Commission act expeditiously and favorably on this application.

EXHIBIT A
OWNERSHIP AND INTERLOCKING DIRECTOR INFORMATION

OWNERSHIP INFORMATION: SEE ATTACHED OWNERSHIP CHART 1

Name: John L. Bragg
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Citizenship: Canadian
Individual: Directly Owns 55.56% of all voting shares of Tidnish Holdings Limited.
Also directly owns 90.9% of all voting shares of each of BAFX Holdings Limited, Aljaben Inc., Mattbragg Holdings Limited and Colombier Holdings Limited.
Principal Business: Individual Owner and Investor

Name: Aljaben Inc.
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

Name: B.A.F.X. Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

Name: Colombier Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada

Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal
Business: Holding Company

OWNERSHIP INFORMATION: Continued

Name: Mattbragg Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal
Business: Holding Company

Name: Tidnish Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 100% of Eastlink International Holdings Inc.
Principal
Business: Holding Company

Name: Eastlink International Holdings Inc.
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 100% of Eastlink International USA Inc. (Applicant)
Principal
Business: Holding Company

INTERLOCKING DIRECTORATES INFORMATION: SEE ATTACHED CHART 2

The individuals identified on Chart 2 comprise the list of "persons or entities who perform duties of 'officer or director' in an authorized U.S.-international carrier or an applicant for international Section 214 authorization who also performs such duties for any foreign carrier." 47 C.F.R §63.09(g)(1) and 47 C.F.R. §63.18 (e)(4).

Exhibit B – List of Foreign Affiliated Carriers

| Name of the affiliated carrier | Country in which licensed to offer telecommunications services to the public | WTO Members |
|---|--|---|
| <p>Cable and Wireless Bermuda Ltd.³ A wholly-owned subsidiary of Cable and Wireless (Bermuda) Holdings Limited, which is a wholly-owned subsidiary of Eastlink International Holdings Inc., which is also Applicant's parent company as more particularly described in Exhibit A.</p> <p>Quantum Communications Ltd.⁴ 40% owned by Cable and Wireless (Bermuda) Holdings Limited, which is a wholly-owned subsidiary of Eastlink International Holdings Inc., which is also Applicant's parent company as more particularly described in Exhibit A.</p> | <p>Bermuda</p> <p>Bermuda</p> | <p>Yes⁵</p> <p>Yes⁶</p> |
| <p>Bragg Communications Inc. Wholly-owned subsidiary of Tdnish Holdings Limited, which directly owns 100% of Eastlink International Holdings Inc., which is Applicant's parent company as more particularly described in Exhibit A.</p> | <p>Canada</p> | <p>Yes</p> |

³On March 10, 2011, Eastlink International Holdings Inc. ("Eastlink International") acquired the Bermuda operations of Cable & Wireless Communications. Specifically, Eastlink International acquired Cable and Wireless (Bermuda) Holdings Ltd., including its' wholly-owned subsidiary Cable and Wireless Bermuda Ltd. and 40% interest in Quantum Communications Ltd. The newly acquired Eastlink International companies will be rebranded in time but at present continue to operate under the Cable & Wireless name in accordance with the terms of the transaction.

⁴ See Footnote 3.

⁵ See Footnote 1.

⁶ See Footnote 1.

Exhibit C – Dominant Status⁷

Destination Market

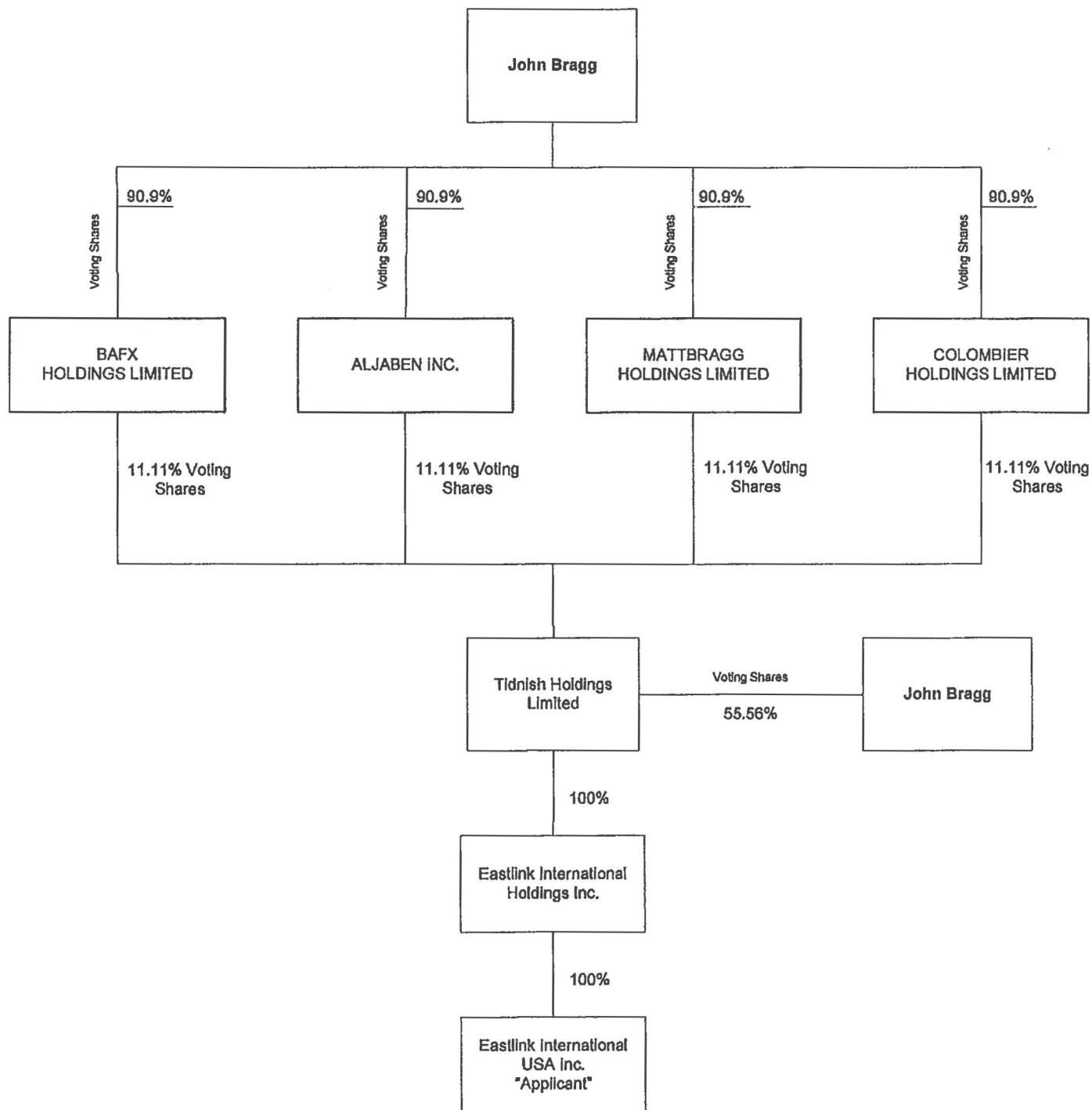
Foreign Carrier with Market Power

Bermuda

Cable and Wireless Bermuda Ltd.

⁷ This list identifies Cable and Wireless Bermuda Ltd. ("CWB"), the only carrier affiliated with Eastlink International USA Inc. ("Applicant") that appears on the FCC's "List of Foreign Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets", DA 07-233, January 26, 2007. Applicant believes that CWB is no longer dominant in the designated market as a result of the introduction of facilities-based competition from two other licensed carriers with their own submarine fiber optic networks between Bermuda and the US. See *TeleBermuda International, L.L.C.*, File No. SCL-95-009, *Cable Landing License* (rel. Dec. 6, 1996); *Cedar Cable Ltd.*, FCC Public Notice, DA No. 09-408, (SCL-LIC 20080603-00011), February 20, 2009. However, we do not believe that this Section 214 application is the appropriate vehicle for revisiting the dominant status of CWB in the Bermuda destination market. A petition requesting the Commission's review of CWB's dominant status and seeking reclassification as a nondominant carrier will be filed separately.

ATTACHMENT 1
Eastlink International USA Inc.
Ownership
Chart 1



ATTACHMENT 1
CHART 2
INTERLOCKING DIRECTORATES
EASTLINK INTERNATIONAL USA INC.

| INDIVIDUAL | EASTLINK INTERNATIONAL USA INC. (APPLICANT) | BRAGG COMMUNICATIONS INC. | AMTELECOM HOLDINGS INC. | CABLE AND WIRELESS BERMUDA LTD. |
|---------------------|--|--|---|--|
| John Bragg | Director & Chairman | Director & Chair | Director & Chair | Director & Chairman |
| Lee Bragg | President | Chief Executive Officer & Vice Chair | Chief Executive Officer & Vice Chair | Director & President |
| David Hoffman | Director & Vice President | Director & Vice President | Director & Vice President | Director & Vice President |
| Ann Petley-Jones | Chief Executive Officer | N/A | N/A | Chief Executive Officer |
| Richard Cecchetto | Chief Financial Officer | Vice President | Vice President | Chief Financial Officer |
| Geoffrey C. Baldwin | Director & Secretary/Treasurer | Director & Secretary/Treasurer | Director & Secretary/Treasurer | Director & Treasurer |
| George Caines | Assistant Secretary | Assistant Secretary | Assistant Secretary | Assistant Secretary |

ATTACHMENT 2

Applicant has not previously filed for Section 214 authority.

OWNERSHIP INFORMATION: SEE ATTACHED OWNERSHIP CHART 1

Name: John L. Bragg
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Citizenship: Canadian
Individual: Directly Owns 55.56% of all voting shares of Tidnish Holdings Limited.
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Principal Business: Individual Owner and Investor

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Address: P.O. Box 220
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Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

Name: B.A.F.X. Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

OWNERSHIP INFORMATION: Continued

Name: Colomblor Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

Name: Mattbragg Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

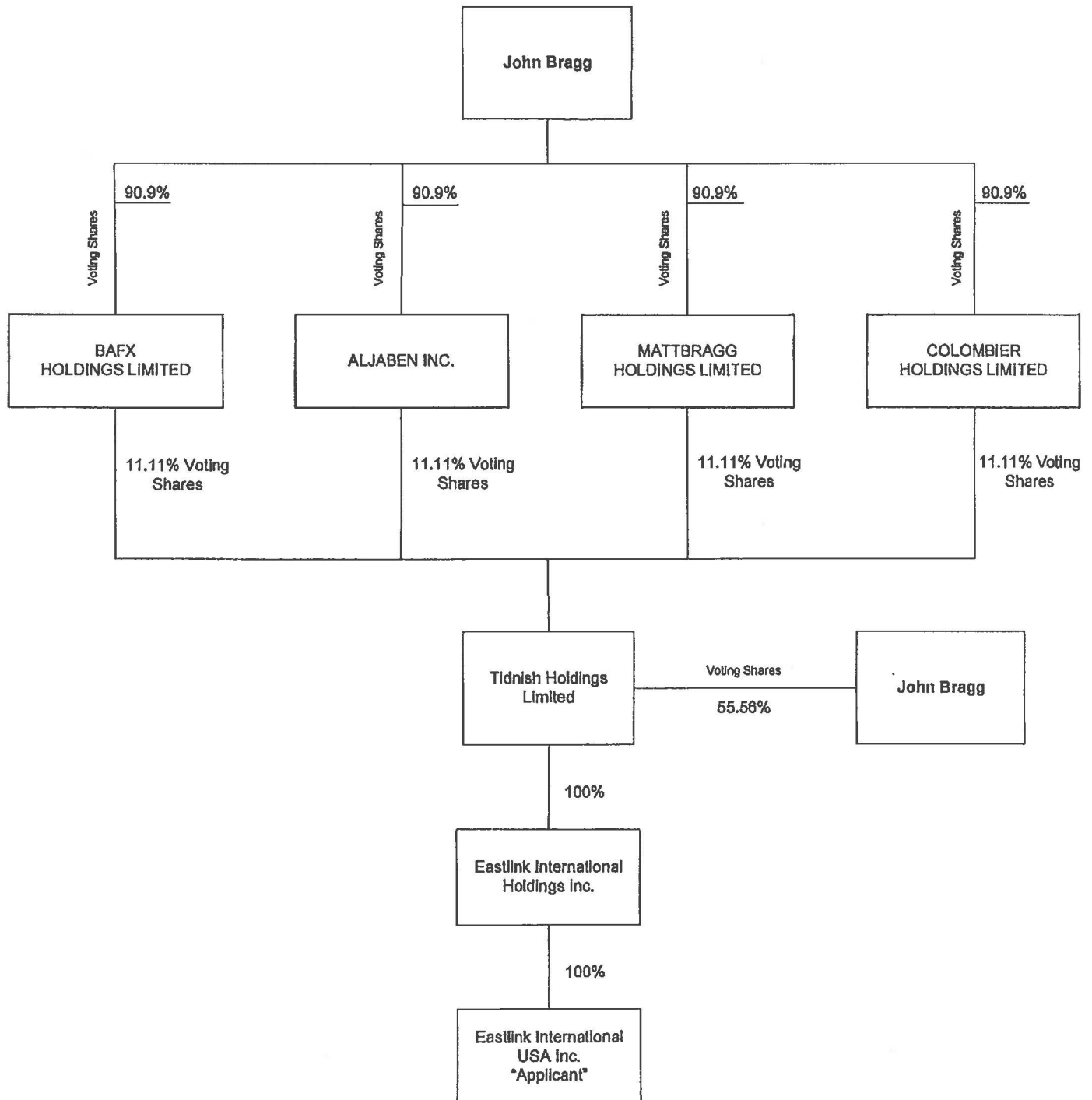
Name: Tidnish Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 100% of Eastlink International Holdings Inc.
Principal Business: Holding Company

Name: Eastlink International Holdings Inc.
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 100% of Eastlink International USA Inc. (Applicant)
Principal Business: Holding Company

INTERLOCKING DIRECTORATES INFORMATION: SEE ATTACHED CHART 2

The individuals identified on Chart 2 comprise the list of “persons or entities who perform duties of ‘officer or director’ in an authorized U.S.-international carrier or an applicant for international Section 214 authorization who also performs such duties for any foreign carrier.” 47 C.F.R §63.09(g)(1) and 47 C.F.R. §63.18 (e)(4).

ATTACHMENT 2
Eastlink International USA Inc.
Ownership
Chart 1



ATTACHMENT 2
CHART 2
INTERLOCKING DIRECTORATES
EASTLINK INTERNATIONAL USA INC.

| INDIVIDUAL | EASTLINK INTERNATIONAL USA INC. (APPLICANT) | BRAGG COMMUNICATIONS INC. | AMTELECOM HOLDINGS INC. | CABLE AND WIRELESS BERMUDA LTD. |
|---------------------|--|--|---|--|
| John Bragg | Director & Chairman | Director & Chair | Director & Chair | Director & Chairman |
| Lee Bragg | President | Chief Executive Officer & Vice Chair | Chief Executive Officer & Vice Chair | Director & President |
| David Hoffman | Director & Vice President | Director & Vice President | Director & Vice President | Director & Vice President |
| Ann Petley-Jones | Chief Executive Officer | N/A | N/A | Chief Executive Officer |
| Richard Cecchetto | Chief Financial Officer | Vice President | Vice President | Chief Financial Officer |
| Geoffrey C. Baldwin | Director & Secretary/Treasurer | Director & Secretary/Treasurer | Director & Secretary/Treasurer | Director & Treasurer |
| George Caines | Assistant Secretary | Assistant Secretary | Assistant Secretary | Assistant Secretary |

Exhibit D

Attach copy of MEPIS Letter



GOVERNMENT OF BERMUDA
Ministry of Environment, Planning and Infrastructure Strategy

Department of Telecommunications

Our Ref: DOT206/201/1
Date: October 11, 2011

BY MAIL

Cable and Wireless Bermuda Ltd.
Attention Mr. Craig Davis General Manager
P.O. Box HM12 151 Hamilton HM AX

Dear Mr. Davis

Re: Petition for Reclassification as it relates to Dominance in the Bermuda Market

I refer to your letter to me dated 8 July, 2011 in which you requested documentation from the Ministry that would detail the company's status as a non-dominant carrier in the Bermuda market at this time.

The Department is pleased to confirm that Cable and Wireless Bermuda Ltd., has been granted an extension of a Class "A" Public Telecommunications Service Licence in 1999 to offer International Long Distance (ILD) carrier service in, out and through Bermuda. At the time of granting this extension, it marked the end of its (CWPLC) dominant position in the international long distance voice and data services in, out and through Bermuda.

Today, the Bermuda international long distance voice and data service market is served by three International long distance facilities based carriers and four VOIP resellers with not one of these carriers being specified as being dominant in that market because they lack substantial control (i.e., less than 50% market share) over any market for any telecommunications facilities or services. Section 14 of the telecommunications Act 1986 provides that the Minister may specify a Carrier as dominant if he is of the opinion that –

“a Carrier or a group of Carriers is in substantial control of a public telecommunication service so that there is insufficient competition to stimulate reductions in rates and charges and to provide adequate freedom of choice to the public”

CWBL, subsequent to the introduction of competition in the ILD market, was de-specified pursuant to 3 (c) of the Cable and Wireless Bermuda Ltd. Act 1999, and removed from the 1st Schedule of the Telecommunications Act 1986. CWBL continues



GOVERNMENT OF BERMUDA

Ministry of Environment, Planning and Infrastructure Strategy

Department of Telecommunications

to be a competitive carrier with a market share that is less than 50% of its market and therefore is no longer subject to the obligations of a dominance specification.

For more information please feel free to contact Mr. Michael Wells, Acting Director at mgwells@gov.bm or telephone at 441 294-9082.

Sincerely,

Michael Wells
Acting Director of Telecommunications